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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,166	09/19/2001	Su Hyun Park	HI-033	8321
34610	7590	07/29/2004	EXAMINER	
FLESHNER & KIM, LLP			HOOSAIN, ALLAN	
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CHANTILLY, VA 20153			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,166

Applicant(s)

PARK, SU HYUN

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-9 and 11-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

<ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. 	<ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____.
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FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-9, 11-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Spartz et al. (US 5,878,036)**.

As to Claims 1,6, with respect to Figures 1 and 6, **Spartz** teaches a method of reporting an assignment completion (changed service option) in a mobile communication system, comprising:
transmitting a message type (Col. 14, lines 12-14),
a channel number representing a communication path being used (Col. 14, lines 18-35),
encryption information (Col. 15, lines 48-55), and
contents of the changed service option from a base station/base station controller (BS/BSC) to a mobile switching center after a service re-negotiation procedure is performed between a mobile station and the BS/BSC (Figure 6 and Col. 16, lines 46-65, Col. 17, lines 10-18);

wherein the service re-negotiation procedure occurs after the mobile switching center has been notified about an initially negotiated service option, and after the mobile station, the

BS/BSC and the mobile switching center has entered into a busy state using the initially negotiated service option (Col. 16, lines 30-32, 55-65; Col. 17, lines 1-7 and Col. 20, lines 3-31).

As to Claim 2, **Spartz** teaches the method of claim 1, wherein the message type, channel number, encryption information and contents of the changed service option are part of an assignment complete message (Col. 17, lines 10-18).

As to Claims 3,8, **Spartz** teaches the method of claim 1, wherein the contents of the changed service option are transmitted as a service option list, and wherein the service option list comprises a service option list Information Element Identifier (IEI) field for simultaneously supporting at least one or more services, a length field for indicating a length of transmitted information, a number of service options field for indicating a number of services changed as a result of the re-negotiation, a service option Identifier (SOCI) field for identifying the changed service, and a service option (i) field for indicating the changed information.

As to Claims 4,9, **Spartz** teaches the method of claim 3, wherein if the number of the changed service options is one or more, each of the SOCI information field and the changed service option field are repeated as many as the number of the changed service options.

As to Claim 7, **Spartz** teaches the method of Claim 6, wherein the transmissions form subsystem complete messages (a Service Option Report Message) (Col. 15, line 64 through Col. 16, line 6).

As to Claims 11,18,27, with respect to Figures 1 and 6, **Spartz** teaches a method of reporting a service option changed through a service option re-negotiation between a mobile station and a base station /base station controller in a mobile communication system, comprising:

reporting the changed service option to a mobile switching center using one of an assignment completion message and a service option report message (Col. 17, lines 10-18),
wherein each of the assignment completion message and the service option report message includes a service option list field indicating the changed options (Col. 17, lines 1-5);
wherein the service option re-negotiation occurs after the mobile station has entered a busy state using an initially negotiated service option (Col. 16, lines 30-32, 55-65; Col. 17, lines 1-7 and Col. 20, lines 3-31).

As to Claims 12,19, **Spartz** teaches the method of claim 11, wherein if at least one service option is changed while all other services are maintained as a result of the service option re-negotiation, the contents of the service re-negotiation between the mobile station and the base station/base station controller are reported to the mobile switching center using, one of the assignment completion message and the service option report message (Col. 17, lines 10-18).

As to Claim 13, **Spartz** teaches the method of claim 11, wherein if a portion of services in progress is to be released and a service option of a non -released service is changed as a result of the service option re-negotiation, the changed service option is reported to the mobile switching center using one of the assignment completion message or the service option report message, and

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a service release procedure is performed with respect to the released service using a service release message and a service release completion message (Col. 15, lines 48-65).

As to Claim 14, **Spartz** teaches the method of claim 11, wherein if a portion of the services in progress is to be released and non-released services are not to be changed as a result of the service option re-negotiation, a service release procedure is performed with respect to the released service using a service release message and a service release completion message (Col. 16, lines 22-35).

As to Claim 15, **Spartz** teaches the method of claim 11, wherein if all services in progress are to be released as a result of the service option re-negotiation, a call release procedure among the mobile station, base station /base station controller, and mobile switching center is performed (Col. 17, lines 1-10).

As to Claims 16,21,24, **Spartz** teaches the method of claim 11, wherein the service option list field comprises:

an assignment request (service option list Information Element Identifier (IEI)), to identify services provided;

a time slot (length field), to a length of transmitted information;

a channel type (number of service options field), to indicate the number of services changed as a result of negotiation,

a service request (service connection identifier (SOCI) field), to identify the changed service; and

a variable rate transmission (service option field), to indicate the corresponding service information (Col. 16, lines 40-65).

As to Claims 17,22,26, **Spartz** teaches the method of claim 16, wherein if the number of the change is one or more, each of the SOCI information field and the changed service option field are repeated as many as the number of the changed service options (Col. 16, lines 30-39).

As to Claim 20, **Spartz** teaches the method of claim 19, wherein the assignment complete message further comprises a channel number field, and encryption information field, and a service option field (Col. 15, lines 25-29,41-47 and Col. 16, lines 30-32).

As to Claim 23, **Spartz** teaches the method of claim 19, wherein the service option report message contains no additional fields (Col. 16, lines 32-42).

As to Claim 25, **Spartz** teaches the message of claim 24, wherein the service option list (IEI) permits the communications system to simultaneously support at least two services (Col. 16, lines 42-46).

Response to Arguments

3. Applicant's arguments filed in the 6/8/04 Remarks have been fully considered but they are not persuasive because of the following:

Examiner appreciates the detailed explanations which Applicant has given on how the disclosed invention works. However, the argument that **Spartz** does not teach re-negotiation after the MSC receives an initial service option is not persuasive. Figure 6 shows the interaction between the MSC, Base station and mobile station in setting up a traffic channel for the MSC to deliver data to the mobile station. The service re-negotiation might not be clearly shown. However, the cited passages at Col. 16, lines 46-65 and Col. 17, lines 10-18 teach the claimed re-negotiation. At Col. 16, lines 28-32 and 55-65 the re-negotiation is taught with respect to accepting a radio link for traffic communications after the MSC is preparing to deliver message (busy state) to the mobile station. See also Col. 20, lines 3-31 where re-negotiation is taught for accepting a traffic channel.

Examiner respectfully invites Applicant to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fye et al. (US 6,654,602) teach providing services to subscribers with dissimilar service capabilities.

Krishnamurthi et al. (US 6,134,434) teach service negotiation in a communications network.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:
(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")
Or:
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
7/22/04